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Attorneys for Plaintiff
WESTERN RESERVE LIFE ASSURANCE
COMPANY OF OHIO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WESTERN RESERVE LIFE
ASSURANCE CO. OF OHIO,

Plaintiff,

vs.

NYOOKE FOONG YAP LAW, KHUAN
THAI WONG, LISA LEE and DOES 1-
20,

Defendants.

CASE NO. C08 4611 – JL

**STIPULATION AND ~~PROPOSED~~
ORDER DISMISSING CASE AND
DISTRIBUTING LIFE INSURANCE
PROCEEDS**

CMC: AUGUST 12, 2009
TIME: 10:30 a.m.
COURTROOM: F

Chief Magistrate Judge James Larson

Action Filed: October 3, 2008

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by the parties, plaintiff WESTERN
RESERVE LIFE ASSURANCE CO. OF OHIO (“WRL”), and defendants NYOOKE FOONG
YAP LAW (“LAW”), KHUAN THAI WONG (“WONG”), and LISA LEE (“LEE”) that the
proceeds of WRL Life Insurance Policy No. 15B0403300 issued to decedent ELVIN Y. TEN
(hereinafter “the Policy”) may be distributed as set forth below:

1 WHEREAS, WRL, LAW, WONG and LEE acknowledge that the proceeds of the Policy
2 are \$275,598.67 and that WRL deposited said Policy proceeds with the Clerk of the United States
3 District Court for the Northern District of California on October 3, 2008;

4 WHEREAS, LAW, WONG and LEE have agreed that WONG and LAW will receive
5 25% of the remaining Policy proceeds and LEE will receive 75% of the remaining Policy
6 proceeds, with 25% of the amount distributed to LEE to be held in a private trust for the benefit
7 of her two minor children, Darrell Ten and Nathan Ten;

8 WHEREAS, WONG's and LAW's 25% share of the Policy proceeds deposited with the
9 Court is \$68,899.67 and LEE's 75% share of the Policy proceeds is \$206,699.00;

10 WHEREAS, WONG and LAW on the one hand, and LEE on the other hand, have agreed
11 to pay WRL's reasonable attorney's fees and costs associated with this Interpleader action;

12 WHEREAS, WRL, LAW, WONG and LEE acknowledge that WRL's reasonable
13 attorney's fees and costs associated with this Interpleader action are \$6,746.80 (\$6,212.00 in
14 attorney's fees and \$534.80 in costs); and

15 WHEREAS, WRL, LAW, WONG and LEE have entered into a Settlement Agreement
16 whereby they request that the Court distribute the proceeds of the WRL policy as set forth below,

17 IT IS HEREBY STIPULATED BY AND BETWEEN, WRL, LAW, WONG and LEE as
18 follows:
19

20 1. The \$275,598.67 in life insurance proceeds may be distributed as follows: (a)
21 \$203,325.59 to LEE as her 75% share of the proceeds of the WRL policy; (b) \$32,763.14 to
22 LAW as her 12.5% share of the proceeds of the WRL policy; (c) \$32,646.03 to WONG as her
23 12.5% share of the proceeds of the WRL policy, including withholding of \$117.10 in U.S.
24 Federal taxes on the settlement interest earned by WONG, a non-U.S. citizen, on the interpled
25 WRL policy proceeds; and (d) \$6,863.91 to WRL representing \$6,746.80 for reasonable
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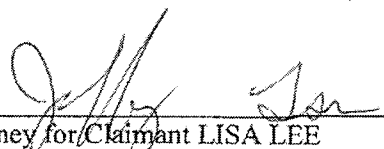
1 attorney's fees and costs associated with this Interpleader action and the \$117.10 in U.S. Federal
2 tax withheld on the payment of funds to WONG, a non-US citizen;

3 2. Checks may be distributed by the Clerk of the United States District Court for the
4 Northern District of California to WRL, LAW, WONG and LEE in the amounts set forth in
5 Paragraph 1; and
6

7 3. Upon distribution of checks in the amounts set forth in Paragraph 2, the Parties
8 consent to the Court's dismissal of this Interpleader action filed by WRL.
9


10 Dated: June 22, 2009

LAW OFFICES OF JEFFREY TSU

11
12 By 
13 Attorney for Claimant LISA LEE
14


15 Dated: June 3, 2009

LAW OFFICES OF C. JONATHAN CHEN

16
17 By 
18 Attorney for Claimants
19 NYOOKE FOONG YAP LAW and
20 KHUAN THAI WONG
21

22 DATED: June 22, 2009

LONG & LEVIT LLP

23
24 By 
25 Glen R. Olson
26 Attorneys for Plaintiff WESTERN RESERVE
27 LIFE ASSURANCE COMPANY OF OHIO
28

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING FROM THE ABOVE STIPULATION,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The \$275,598.67 in WRL life insurance proceeds deposited with the Court registry on October 3, 2008 is to be distributed as follows: (a) \$203,325.59 to LEE as her 75% share of the proceeds of the WRL policy; (b) \$32,763.14 to LAW as her 12.5% share of the proceeds of the WRL policy; (c) \$32,646.03 to WONG as her 12.5% share of the proceeds of the WRL policy, including withholding of \$117.10 in U.S. Federal taxes on the settlement interest earned by WONG, a non-U.S. citizen, on the interpled WRL policy proceeds; and (d) \$6,863.91 to WRL representing \$6,746.80 for reasonable attorney's fees and costs associated with this Interpleader action and the \$117.10 in U.S. Federal tax withheld on the payment of funds to WONG, a non-US citizen;

2. Checks may be distributed by the Clerk of the United States District Court for the Northern District of California to WRL, LAW, WONG and LEE in the amounts set forth in Paragraph 1; and

3. Upon distribution of checks in the amounts set forth in Paragraph 2, the Parties consent to the Court's dismissal of this Interpleader action filed by WRL.

DATED: June 29, 2009

UNITED STATES DISTRICT COURT

By


Hon. James Larson
Chief Magistrate Judge

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